

It is submitted that these claims, as originally presented, are patentably distinct over the prior art cited by the Examiner in the parent application, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

Pursuant to 35 U.S.C. § 119, Applicant claims priority benefit to German patent application 4 22 2315.6 filed July 5, 1992. The Examiner acknowledged the claim for foreign priority under 35 U.S.C § 119 in the parent application in the Office Action mailed September 1, 1998, based on the certified copy of the priority document filed in application Serial No. 08/362,512. Accordingly, it is respectfully requested that the Examiner acknowledge the claim to priority under 35 U.S.C. § 119 in this application.

As to the sequence listing, it is stated that the sequence listing in this application is the same as in the parent application Serial No. 08/964,939, submitted in this application on May 28, 1998, and the prior parent application Serial No. 08/362,512. It is respectfully requested that the U.S. PTO use the electronic version of the sequence listing in the parent application, making any necessary changes therein for this application, e.g., as to Serial Number and filing date. A copy of the hard copy of the sequence listing filed in that prior application is submitted herewith.

It is believed that the Sequence Listing conforms to the requirements of 37 C.F.R. §1.823(b). The Statements required by 37 C.F.R. §1.821(f) and (g) are set forth below.

Pursuant to 37 C.F.R. §1.821(g), the undersigned attorney of record hereby states that this submission, filed in accordance with 37 C.F.R. §1.821(g), does not contain new matter.

Pursuant to 37 C.F.R. §1.821(f), the undersigned attorney hereby states that the content of the paper copy submitted herewith, and the computer readable copy of the Sequence listing submitted in U.S. Serial No. 08/964,939 in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same.

In view of the amendments, remarks and enclosures herewith, the application complies with the requirements for computer readable disclosure of the biological sequences under 37 C.F.R. §1.821-1.825.

Also enclosed herewith is an I.D.S. which cites the publications cited in the parent application. It is requested that the Examiner make these publications of record in this application and that a copy of the PTO 1449 form be initialed by the Examiner and returned to the Applicant. Finally, in order to complete the record, Applicants submit a copy of the Declaration and Power of Attorney filed in the parent application.

Entry of this Preliminary Amendment and an early examination of claims 21 to 58 on the merits are respectfully requested. It is believed that no additional fees are due for entry and consideration of this Preliminary Amendment and related papers. Any deficiency or overpayment in this fee, or any other fee occasioned by this paper or any overpayment in any other fee occasioned by this paper, may be charged or credited to Deposit Account No. 50-0320.

Respectfully submitted,

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